

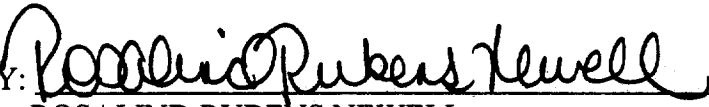
Entered - 7-23-01
CL 01L0481 ALEXIS HOLMES

01-*R* -1363

CLAIM OF: **MIDTOWN CRUISER, INC.**
Khibretab Techlehaimanot, President
1874 Piedmont Road
Suite 390-C
Atlanta, Georgia 30324

For damages alleged to have been sustained when the City failed to provide for the issuance of Certificates of Public Necessity and Convenience for an unstated period of time at 1874 Piedmont Road, Apartment 390-C.

THIS ADVERSE REPORT IS APPROVED

BY: 

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 001L0481

Date: 8/8/01

Claimant /Victim MIDTOWN CRUISER, INC.

BY: (Atty) _____

Address: 1874 Piedmont Road, Suite 390-C Atlanta, Georgia 30324

Subrogation: _____ Claim for Property damage \$100,000.00 Bodily Injury \$ _____

Date of Notice: 7/11/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence Not stated Place: City of Atlanta

Department Police Division: Taxicabs and Vehicles for Hire

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that it sustained damages when the City failed to provide for the issuance of Certificates of Public Necessity and Convenience (CPNCs) which had been revoked or otherwise confiscated by the City. An investigation determined that a need has not been established to set provisions to issue the additional CPNCs. Also, business owners must meet the requirements of the City's Ordinances that govern these matters before obtaining a license to conduct business within the City. Lastly, the City, pursuant to Code of Ordinance Section(s) 162-61, 162-62, and 162-97 is in compliance.

INVESTIGATION:

Statements: City employee X Claimant _____ Other _____ Written X Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

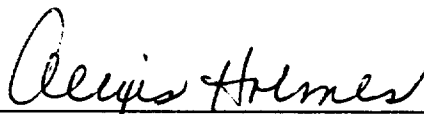
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 08-14-01

Committee Action: _____ Council Action _____

MIDTOWN CRUISER, INC.

1874 Piedmont Road
Suite 390-C
Atlanta, Georgia 30324

July 9, 2001

Honorable William Campbell
Atlanta City Hall
55 Trinity Avenue, SW
Atlanta, GA 30335

Jesse Flanigan, III
Director, Bureau of Taxicabs & Vehicles for Hire
City of Atlanta
818 Pollard Blvd.
Atlanta, Georgia 30315

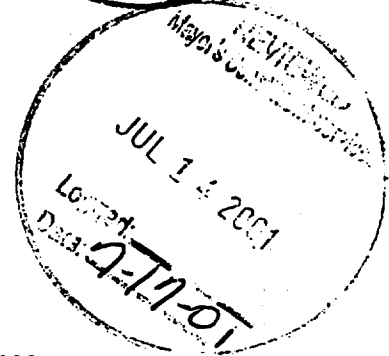
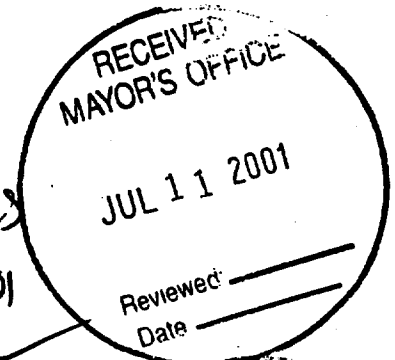
ENTERED - 7-23-01 - SB
01L0481 - ALEXIS HOLMES

**Re: Issuance of Certificate of Public Necessity and Convenience
(CPNC)/Anti-Litem Notice**

Dear Mayor Campbell and Director Flanigan:

This letter is written on behalf of Midtown Cruiser, Inc. Midtown Cruiser, Inc. was incorporated under the laws of the State of Georgia to be a for profit taxi cab company. Midtown Cruiser, Inc., has previously requested issuance of any currently available Certificates of Public Necessity and Convenience ("CPNC"). As you are aware, Atlanta City Code of Ordinance Section 162-56 provides that [n]o vehicle for hire shall be operated on the highways of the city until its owner or lessee has obtained for such vehicle a valid certificate of public necessity and convenience." City of Atlanta Code of Ordinance 162-57 provides "that in order to secure a CPNC, an applicant must first provide a document showing a current CPNC holder's willingness to sell or lease a CPNC." Therefore, the current legislation in place does not contemplate issuance of a CPNC directly from the city. There are no provisions for issuance of a CPNC which have been revoked or otherwise taken back by the city. Additionally, CPNC's currently issued by the city of Atlanta are held by a small number of individuals or companies. These individuals and companies operate a city-supported monopoly over taxicab CPNC's. Individuals desiring to operate a taxicab upon the highways of the city of Atlanta are forced to pay exorbitant funds to the holders of the CPNC. These restrictions have resulted in a loss of property to Midtown Cruiser, Inc. This system has also resulted in less competition and less service being provided to the public.

Midtown Cruiser, Inc. has attempted to obtain issuance of a CPNC from the City of Atlanta. Issuance of a CPNC has been denied to them. The city of Atlanta's

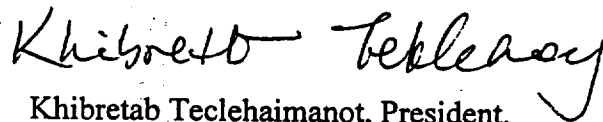


Mayor William Campbell
Director Jesse Flanigan
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continual refusal to issue a CPNC directly while requiring that they be purchased from current CPNC holders is a restraint of trade and results in an illegal city supported monopoly.

Midtown Cruiser, Inc. requests that the city of Atlanta issue or allow Midtown Cruiser, Inc. to purchase directly any and all CPNCs currently being held by the city of Atlanta, or in the alternative that the city of Atlanta put in place a procedure for the issuance of CPNC's currently being held by the city of Atlanta. Midtown Cruiser, Inc. also demands payment of \$100,000.00 as compensation for its loss of profits due to the unavailability of a CPNC certificate.

Sincerely,



Khibretab Teclehaimanot, President,
Midtown Cruiser, Inc.

cc: Honorable Robb Pitts
Honorable Debi Starnes